IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.712 OF 2004
IN
SUMMARY SUIT NO.2223 OF 2004

Nirmal Trading Corporation ..Plaintiffs

Vs.

Bharat P.Valia ..Defendants

Mr.K.K.Shroff i/b Daru Shah and Co. for the plaintiffs

Mr.Tushar Bhavsar i/b Shah and Sanghvi for the defendants

CORAM : S.U.KAMDAR, J
DATED : 27TH SEPTEMBER, 2005

P.C.:

1. The present suit is based on promissory note for Rs.1,75,000/- with interest claim totalling to Rs.2,83,485/-.

2. The defence raised in the present suit are already been covered and decided by my order dt.13.9.05 passed in Summons for Judgment No.607 of 2004 and 594 of 2004. However, the learned counsel for defendant has raised an additional issue that the plaintiffs have paid composite court fee by computing the valuation of the suit by combining

the claim for two promissory notes. The learned counsel for the plaintiffs to pay court fees within two weeks from today. On such undertaking being given, there is no defence in the present case, and therefore, I direct the defendants to deposit a sum of Rs.2,00,000/-within 4 weeks failing which plaintiffs will be entitled to decree. If the said amount is deposited the Prothonotary and Senior Master is directed to invest the same in any Nationalised Bank in Fixed Deposit initially for a period of 3 years and then renew the same from time to time till further orders of this court. If the amount is deposited then suit is to be transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from the date of deposit of the said amount. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.